IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3831 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MRUNALIKA N SHETH - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR JS YADAV for Petitioner(s) : 1,
MS KIRAN PANDEY, AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 23/11/2006

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioner, who was appointed on ad hoc basis till the regularly selected

candidate is available, has prayed for appropriate writ, order or direction quashing and setting aside the order dated 25.4.1997 issued by the State Government and the order dated 1.5.1997 communicated by the Dean of respondent No.2. By interim order, learned Single Judge has passed the following order.:

> “Rule. Notice as to Interim Relief returnable on 20.06.1997. By way of Ad Interim Order, it is directed that the petitioner shall be continued on the post of Tutor-General Anatomy in the Respondent No.2, unless and until the post held by the petitioner is filled in either by transfer or on appointment of Tutor duly selected by the Gujarat Public Service Commission. Direct Service permitted.”

2. Today, when the matter is called out, Ms.Kiran Pandey, learned AGP, under the instructions from the respondent authority, has submitted that during pendency of the present Special Civil Application one another Dr.Smita A.Patel was appointed in place of the petitioner after following due procedure and selection by the GPSC. It is further submitted by her that accordingly, the petitioner's services were terminated and, therefore, the petitioner preferred Special Civil Application No.4995 of 2000 which also came to be dismissed by the learned Single Judge of this Court (Coram : Miss

R.M.Doshit,J) by judgment and order dated 22.4.2002.

3. In view of the above and subsequent developments, the petitioner is not entitled to any relief, as admittedly the appointment of the petitioner was on ad hoc basis till regularly selected candidate is available by the GPSC. In view of the above and in view of dismissal of Special Civil Application No.4995 of 2000, the present petition is required to be dismissed. Accordingly, this petition is dismissed. Rule is discharged. Ad-interim relief, if any, granted earlier stands vacated. No costs.

(M.R.Shah,J)

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